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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,708	10/17/2003	Jeffrey W. Gehrs	23045.00	8810
37833	7590	11/24/2004	EXAMINER	
LITMAN LAW OFFICES, LTD. P.O. BOX 15035 CRYSTAL CITY STATION ARLINGTON, VA 22215			BUTLER, DOUGLAS C	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,708

Applicant(s)

GEHRS, JEFFREY W.

Examiner

Douglas C. Butler

Art Unit

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The submitted prior art filed Oct. 17, 2003 has been considered.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no clear antecedent basis in the claims for "the pin" of claim 1, line 16 and of claim 8, line 16.

4. In the Abstract of the Disclosure, see line 6 re the typographical error as to "recesses".

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 and 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Gotti et al (US 2004/017803 A1).

Note pins 13 (part being called head and part shaft or stem) protruding members and corresponding recesses as per Figs. 1a. See page 2, paragraph 18, lines 1-15.

8. Claims 6-7 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotti et al (17803 A1) in view of Nelson (1708484).

POB Re the spiral retaining spring of claims 6 and 12 ^{or} ~~of~~ more generically the "retaining ring" feature of claims 7 and 13, it would have been obvious at the time the invention was made to one having ordinary skill in the art to which the invention pertains to retain the pins 13 of Gotti et al by any well known fastener or retainer such as a retainer ring or spiral retaining ring such as in Nelson at page 1, column 2, lines 3-8 since rings are routinely used to retain ~~or~~ piston rods, pins of general utility, etc.

9. Applicant should note that the examiner reserves the option of requiring restriction and/or election, in due course, pursuant to MPEP 821.03, MPEP 811, etc., based on applicant's response to this office action.

10. Claims 1-5 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 95/00771 to Stahl et al.

See Figs. 1-4, 6 of Stahl re pins 8, brake rotor protruding members 4 and hub recesses between 3.1 and 3.2.

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11. Claims 6-7 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stahl et al WO 95/00771 in view of Nelson (1708484).

963 Re the spiral retaining spring of claims 6 and 12 ^{or} ~~of~~ more generically the "retaining ring" feature of claims 7 and 13, it would have been obvious at the time the invention was made to one having ordinary skill in the art to which the invention pertains to retain the pins 8 of Stahl et al by any well known fastener or retainer such as a retainer ring or spiral retaining ring such as in Nelson at page 1, column 2, lines 3-8 since rings are routinely used to retain piston rods, pins of general utility, etc.

965 12. Claims 1-5, 7-11, 13 are rejected under 35 U.S.C. 102(a) as being anticipated by WO 03/064882 A1 to Lavezzi et al.

Note the brake rotor protruding members 38, 40, 40' of Figs. 3, 7-8, and pins 82 in Figs. 8, 9, 10.

13. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavezzi et al (882) in view of Nelson.

Re the spiral retaining spring feature of claims 6 and 12, it would have been obvious at the time the invention was made to one having ordinary skill in the art to which the invention pertains to retain the pins 82 of Lavezzi et al by any well known fastener or retainer such as a retainer ring or spiral retaining ring such as in Nelson at page 1, column 2, lines 3-8 since such modification involves using a well known type of retaining ring (spiral ring) in place of the retaining rings 90, 92, 94 of Fig. 10 of Lavezzi et al.

14. Note the floating brake rotor in GB 1,080,035 to Knorr-Bremse with pins in Fig. 4.

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15. See the brief translation of the Abstract of DE 19,726,674 to Bauer et al in the context of pins 45 of Figs. 6a, 6b, 6c.

16. Haneda (5190124) discloses a floating brake rotor resembling instant Fig. 1.

17. Note the no load pins and connections (fasteners) of JP9-166168 to Yutaka Giken KK [Yutan] published June 24, 1997 with pins 6, hub 2, brake rotor 3 which is a floating brake rotor or disk technology. See, of interest, JP 2002-227891 to Okazaki et al published Aug. 14, 2002 which is a floating type brake rotor with pins 6, 55, etc., as illustrated in Figs. 1-6(b) thereof. See also JP 61-241538 to Nakaya with pin 7, 43 in Figs. 2, 4.

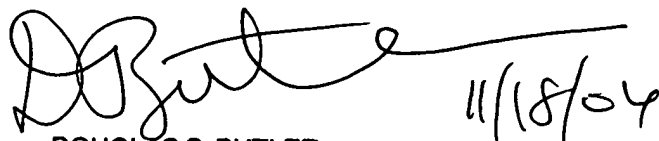
18. EP 959261 to Pacchiana et al discloses a floating brake rotor with cooperating protruding members and recesses.

19. WO 03/002886 A1 corresponds to the applied Gotti et al (031) printed application.

20. Note EP85361 to Innocente (Figs. 1-4).

21. Note Wirtanen (US 6745875) with pin 14 and brake rotor protruding members 6 which cooperate with carrier on hub recesses or grooves 8.

22. Any inquiry concerning this communication should be directed to Exmr Butler at telephone number (703) 308-2575.


DOUGLAS C. BUTLER
PRIMARY EXAMINER
AU 3683

Butler/vs
November 17, 2004